

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON TRANSPORTATION**

**Call to Order:** By **CHAIRMAN ROGER SOMERVILLE**, on March 19, 2001  
at 3:30 P.M., in Room 472 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Roger Somerville, Chairman (R)  
Rep. Sylvia Bookout-Reinicke, Vice Chairman (R)  
Rep. Carol C. Juneau, Vice Chairman (D)  
Rep. Darrel Adams (R)  
Rep. Joe Balyeat (R)  
Rep. Debby Barrett (R)  
Rep. Ronald Devlin (R)  
Rep. Steven Gallus (D)  
Rep. George Golie (D)  
Rep. Donald L. Hedges (R)  
Rep. Jim Keane (D)  
Rep. Gary Matthews (D)  
Rep. William Price (R)  
Rep. Allen Rome (R)  
Rep. Frank Smith (D)  
Rep. Donald Steinbeisser (R)  
Rep. Karl Waitschies (R)

**Members Excused:** Rep. Dave Gallik (D)

**Members Absent:** None.

**Staff Present:** Donna Huffman, Committee Secretary  
Leanne Kurtz, Legislative Branch

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 451, SB 355, HJR 36  
03/19/01.  
Executive Action: SB 355, SB 451, SB 320,  
SB 293, SB 348.

**HEARING ON SB 451**

**Sponsor:** Senator Royal C. Johnson, SD 5.

**Proponents:** none.

**Opponents:** none.

**Informational Witnesses:** none.

**Opening Statement by Sponsor:**

**Senator Johnson** said this bill eliminates the requirement that an operator of a certain kind of bicycle must have a driver's license and amends section 61-5-102. He handed out information explaining the definition of a bicycle in section 61-1-123(2). **EXHIBIT (trh62a01)**. He said they want to amend this bill so people such as senior citizens who cannot operate a car, but do operate vehicles such as mopeds, can do so without a driver's license.

**Proponents' Testimony:** none.

**Opponents' Testimony:** none.

**Questions from Committee Members and Responses:**

*{Tape : 1; Side : A; Approx. Time Counter : 10.5}*

**Rep. Smith** asked **Senator Johnson** if his intent was a separate driver's license for a motorized vehicle. **Senator Johnson** said his intent is, people will not have to have an operational driver's license to ride a moped.

**Senator Johnson** said this allows people who want to get somewhere with a mechanized way to go.

**Chairman Somerville** asked **Senator Johnson** if people who drive a peddled four wheel cart had to have a driver's license. **Senator Johnson** said he didn't know, but if it is driven on a street, the cart will have to be licensed and equipped with directional signals, and also they must have a driver's license to operate that cart.

**Closing by Sponsor:**

**Senator Johnson** said this allows people who have a limited lifestyle to do some of the things they enjoy.

**HEARING ON SB 355**

**Sponsor:** Senator William S. Crismore, SD 41.

**Proponents:** Rich Tatarka, Montana Logging Association; Barry Stang, Montana Motor Carriers Association.

**Opponents:** none.

**Informational Witnesses:** none.

**Opening Statement by Sponsor:**

**Senator Crismore** said this bill deals with the wrappers that fasten loads on trucks and secure the logs together on the loads. He said this statute calls for a 3/8" chain on the end of the cable, with a working load limit. He said they have improved the strength of the chain over the years and truck drivers went to a 5/16" chain. He said this bill will update the statute by changing the words, "binders" to "wrappers", and to change the requirements of the 3/8" chain to a working load limit of at least 3,000 pounds.

**Proponents' Testimony:**

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**Rich Tatarka** said, state law requires a 3/8" chain but they are using the 5/16" chain right now. He said a 3/8" chain has a working load limit of about 2400 pounds. The 5/16" chain they use has a strength of about a 3900 pounds. He demonstrated a few sets of chains and binders.

**Barry Stang** said MMCA support SB 355. He said these binders will meet the new regulations that are being put out by the Federal Motor Carrier Safety Administration Program. He said this will bring it up to date for Montana Law.

**Opponents' Testimony:** none.

**Questions from Committee Members and Responses:**

**Rep. Hedges** asked **Mr. Stang** if there was any statute that governed the size and shape of the steel uprights on the truck trailers. **Mr. Stang** said there probably are standards in the Federal Motor Carrier Safety for those.

**Rep. Bookout-Reinicke** asked **Mr. Tatarka** if there is a grade of steel in their specifications. **Mr. Tatarka** said in the Federal Law, if there are no markings on the chain or cable, they are considered to be the lowest grade.

**Rep. Juneau** said to **Mr. Tatarka**, in the bill on Line 19, the combination of steel chain and steel cable must have a working load limit of at least 3,000 pounds. On Line 26, the complete wrapper and binder assembly must have a working load limit of at least 3,000 pounds. She asked if those were two separate things or the same. **Mr. Tatarka** said on Line 19, it is talking about the combinations of the steel and cable, and on Line 26, the complete assembly, including the binder, must meet the 3,000 pound requirement.

**Chairman Somerville** asked **Mr. Tatarka** in keeping safety in mind, if it made any difference using a chain or cable or a combination of both. **Mr. Tatarka** said getting these combinations over the load, the lighter the better.

**Rep. Juneau** asked **Mr. Tatarka** what the height restriction was on log trucks. **Mr. Tatarka** said 14'6" is maximum without a permit, with a permit it could be higher. Also, in state law, to go higher above the extensions, logs must be stacked in a pyramid fashion so they don't roll.

**Closing by Sponsor:**

*{Tape : 1; Side : A; Approx. Time Counter : 28.7}*

**Senator Crismore** said there have to be at least two wrappers per load and they do not secure the load itself, they fasten to the truck. He asked a Do Concur for SB 355.

**EXECUTIVE ACTION ON SB 355**

*{Tape : 1; Side : B; Approx. Time Counter : 0.7}*

**Discussion:**

**Rep. Juneau** asked about the amount of wrappers per load. **Leanne Kurtz** said wrappers must be in use on all loads, there needs to be three wrappers with the vehicle, but only two need to be used on the load.

**Motion/Vote:** REP. BOOKOUT-REINICKE moved that SB 355 BE CONCURRED IN. Motion carried 18-0.

**Rep. Rome will carry SB 355 to the House.**

**HEARING ON HJR 36**

**Sponsor:** Rep. Sylvia Bookout-Reinicke, HD 71.

**Proponents:** Roger Chalmers, Missoula, Montana; Gordon Hendrick, Mayor of Superior; Matthew Leow, Montana Public Interest Research Group.

**Opponents:** none.

**Informational Witnesses:** Russ Ritter, Montana Rail Link; Pat Keim, Director of Government Affairs for Burlington Northern Santa Fe Railway.

**Opening Statement by Sponsor:**

**Rep. Bookout-Reinicke** handed out a packet of information containing press releases and Department of Energy contracts, Transportation contracts, information concerning the State Role in Spent Fuel Transportation Safety Year 2000 Update.

**EXHIBIT (trh62a02).** This bill requests a study to explore general safety measures, railroad track inspection, and railroad track specifications associated with possible future railroad transport of high-level radioactive waste or spent nuclear fuel through Montana.

**Proponents' Testimony:**

***{Tape : 1; Side : B; Approx. Time Counter : 5.8}***

**Roger Chalmers** said in response to **Rep. Bookout-Reinicke**, the Transportation Contract has not been let, and this is a good time for Montana to take this issue seriously. This is a prevention measure.

**Gordon Hendrick** said he has worked for the railroad on and off since 1969, and he was in charge of the Safety Department for the railroad crews, not including the trains. He spoke about the incident that happened in Alberton. He said a person never knows what is going to happen to rails, and that human error is a factor. In a Disaster and Emergency Services Class, they tell you what is being shipped through Montana already, such as the types of chemicals being shipped. Bringing in an independent organization for track safety is a good idea.

**Matthew Leow** handed out statistics for Nuclear Disposal Waste Plan, **EXHIBIT(trh62a03)**. He said MontPIRG is glad to see the legislature doing something to recognize the danger of the plan to dispose of nuclear waste at Yucca Mountain. The plan to dispose of nuclear waste there poses a serious threat to the public's health. He explained the shipment of waste to Yucca Mountain.

**Opponents' Testimony:** none.

**Informational Witnesses Testimony:**

**Russ Ritter** said he is not here today to deter any type of study that would make the railroads safer. He handed out a letter from Brent D. Brandon, Vice President of Washington Group International, Investor Relations and Corporate Communications. **EXHIBIT(trh62a04)**. This letter states as neighbors in the Northwest, they share an interest in maintaining the safety of people and lands, and can assure that Department of Energy plans do not call for any shipment through the Big Sky State.

***{Tape : 1; Side : B; Approx. Time Counter : 23.6}***

**Pat Keim** handed out a map showing rail routes and truck routes, **EXHIBIT(trh62a05)** and testimony, **EXHIBIT(trh62a06)**.

**Questions from Committee Members and Responses:**

***{Tape : 2; Side : A; Approx. Time Counter : 5.5}***

**Rep. Waitschies** asked **Rep. Bookout-Reinicke** what the cost of the study would be. **Rep. Bookout-Reinicke** it would be in the political process at the end of the session, leadership determines how much money is available for funding. In the lists of all the studies, they rank them from important to least important. This study would be assigned to Revenue and Transportation Interim Committee, they would probably choose a sub-committee to work on this specific issue. The cost is already planned for and budgeted.

***{Tape : 2; Side : A; Approx. Time Counter : 10.5}***

**Rep. Keane** said to **Mr. Ritter** according to the document he handed out, where will the route go through. **Mr. Ritter** said the Department of Energy determines where route is, and they have indicated to them the route would not go through Montana.

**Chairman Somerville** asked **Rep. Bookout-Reinicke** to briefly explain if this material is protected from terrorists' activity.

**Rep. Bookout-Reinicke** said the Western Governors Conference is very concerned about sabotage and terrorism. They feel the DOE should address this further.

**Chairman Somerville** asked **Rep. Bookout-Reinicke** if **Governor Martz** has people on her staff that are already looking at this issue.

**Rep. Bookout-Reinicke** said low level radioactive material is already being shipped through our State, and the Governor's Office is notified.

**Closing by Sponsor:**

*{Tape : 2; Side : A; Approx. Time Counter : 17.1}*

**Rep. Bookout-Reinicke** said this is a very complex issue and we do need the study.

**EXECUTIVE ACTION ON SB 451**

**Motion/Vote:** **REP. GALLUS** moved that **SB 451 BE CONCURRED IN**.  
**Motion carried 17-1 with Smith voting no.**

**Rep. Adams** will carry **SB 451** to House.

**EXECUTIVE ACTION ON SB 320**

**Motion:** **REP. DEVLIN** moved that **SB 320 BE CONCURRED IN**.

**Discussion:**

**Chairman Somerville** said he got a letter from **Senator Kitzenberg** stating that there is only one station that sells E-85 fuel in Montana, the station is in Helena.

**Mike Allen, Allen Oil Company in Helena, Mt.** spoke on anhydrous ethanol.

**Motion:** **REP. SOMERVILLE MOVED AMENDMENT TO SB 320. #SB032001.alk. EXHIBIT (trh62a07).** **Chairman Somerville** said this amendment puts an effective date on the bill, which will be in effect once there is an ethanol producing plant in Montana.

**Motion/Vote:** **REP. SOMERVILLE** moved that **AMENDMENT FOR SB 320, #SB032001.ALK DO PASS. Motion carried 16-2 with Golie and Smith voting no.**

**Motion:** **REP. SOMERVILLE** moved that **SB 320 BE CONCURRED IN AS AMENDED.**

Dave Galt, Director of Department of Transportation, said he did order 5 special fuel vehicles, he was informed there was a problem with a valve that determines whether it is alcohol or gasoline that goes in the cars. He said the Ford Factory said that problem was fixed, and they could get their 5 vehicles.

**Motion/Vote:** REP. SOMERVILLE moved that SB 320 BE CONCURRED IN AS AMENDED. Motion carried 14-4 with Adams, Balyeat, Barrett, and Rome voting no.

Rep. Pattison will carry SB 320 to House.

**EXECUTIVE ACTION ON SB 293**

*{Tape : 2; Side : B; Approx. Time Counter : 5.2}*

**Motion:** REP. GOLIE moved that SB 293 BE CONCURRED IN.

**Motion:** REP. BOOKOUT-REINICKE moved AMENDMENT FOR SB 293, #SB029301.ALK. Rep. Bookout-Reinicke explained amendment, **EXHIBIT**(trh62a08), Strike, "may", Insert, "shall".

**Motion/Vote:** REP. BOOKOUT-REINICKE moved that AMENDMENT FOR SB 293, #SB029301.ALK DO PASS. Motion carried 18-0.

**Motion:** REP. GOLIE moved AMENDMENT FOR SB 293, #SB029301.ALK. Leanne Kurtz explained amendment, **EXHIBIT**(trh62a09), the amendments basically say, the fees that the Department charges have to be commensurate with their costs.

**Motion/Vote:** REP. GOLIE moved that AMENDMENT FOR SB 293, #SB029302.ALK DO PASS. Motion carried 18-0.

**Motion:** REP. SOMERVILLE moved AMENDMENT FOR SB 293, #SB029303.ALK. Rep. Somerville explained amendment, **EXHIBIT**(trh62a10), on Page 3, Line 17, Following "department", Insert "or a law enforcement agency".

Rep. Somerville withdraws amendment, #SB029303.alk.

**Motion/Vote:** REP. BOOKOUT-REINICKE moved that SB 293 BE CONCURRED IN AS AMENDED. Motion carried 13-4 with Adams, Balyeat, Barrett, and Steinbeisser voting no.

Rep. Gallus will carry SB 293 to House.

**EXECUTIVE ACTION ON SB 348**

**Motion:** REP. HEDGES moved that SB 348 BE CONCURRED IN.

**Motion:** REP. GALLIK moved AMENDMENT FOR SB 348.

Rep. Gallik explained amendment, the amendment said, that a land owner could request in writing that a locomotive stop blowing the horn at a private crossing instead of to start.

**Motion/Vote:** REP. GALLIK moved that AMENDMENT FOR SB 348 DO PASS. Motion failed 2-15 with Gallik and Golie voting aye.

*{Tape : 3; Side : A; Approx. Time Counter : 0.2}*

**Motion/Vote:** REP. SOMERVILLE moved that AMENDMENT FOR SB 348, #SB034802.ALK, EXHIBIT(trh62a11), DO PASS. Motion carried 17-0.

**Motion/Vote:** REP. HEDGES moved that SB 348 BE CONCURRED IN AS AMENDED. Motion carried 15-2 with Gallik and Golie voting no.

Rep. Paul Clark will carry SB 348 to House.

A letter dated March 16<sup>th</sup>, 2001, was handed in on April 9<sup>th</sup>, 2001 from Montana Department of Transportation concerning SJR 6. The letter stated: Based on sections of the Montana Code Annotated not meeting current practices, outdated sections, ambiguities, and omissions, the Montana Department of Transportation requested a review of Title 61, Chapter 8 TRAFFIC REGULATIONS, as reflected in Senate Joint Resolution 6. EXHIBIT(trh62a12).

**ADJOURNMENT**

Adjournment: 5:45 P.M.

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REP. ROGER SOMERVILLE, Chairman

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DONNA HUFFMAN, Secretary

RS/DH

**EXHIBIT** (trh62aad)